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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,830	09/10/2003	Mazen Chmaytelli	010157	5960
23696	7590	04/12/2006	EXAMINER	
QUALCOMM, INC			TRINH, SONNY	
5775 MOREHOUSE DR.			ART UNIT	
SAN DIEGO, CA 92121			PAPER NUMBER	
			2618	

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/659,830	Applicant(s) CHMAYTELLI ET AL.	
	Examiner Sonny TRINH	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 32-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 32-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Applicant Remarks, filed 03/23/06, with respect to the rejection(s) of claim(s) 1-30, 32-44 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Yu et al. (U.S. Patent Application Publication number 2004/0181591 A1) and Wells U.S. Patent Number 6,846,238).

Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-28, 30, 32, 35-42, 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al. (hereinafter "Yu"; U.S. Patent Application Publication 2004/0181591 A1) in view of Wells (hereinafter "Wells"; U.S. Patent Number 6,846,238).

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Regarding **claim 1**, with reference to figures 1-4, Yu discloses a method for tracking use of an application on a wireless device (abstract, see [0024]), capable of communicating with a server through a wireless communication network (figure 1, see [0025]), comprising the steps of:

receiving a subscription request for the application from a user in response to the subscription request, establishing a subscription plan for the user, wherein the subscription plan includes available resource information ([0032] – [0034], [0037] – [0038]); receiving a request for use of an application from the wireless device ([0024], [0027], [0033]).

However, Yu does not explicitly disclose the step of adjusting the available resource information before transmitting the available resource information to the wireless device.

In an analogous art, Wells teaches a wireless game player system (abstract, figures 4-5). Wells further teaches the step of adjusting the available resource information before transmitting the available resource information to the wireless device (columns 9-11, specifically line 4-14 of column 11).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to incorporate the steps of adjusting the available resources before transmitting to the user, as taught by Wells, to the system of Yu in order to inform user of the available credit (time left) before using the application in order to have an informed decision before using the application (control one's money by not spend more than the available credit that the user initially set aside).

Regarding **claim 2**, Yu further teaches wherein the application is a wireless communication application ([0024]) and the step of receiving a request for use of an application from the wireless device comprises the steps of: receiving a connection request to a destination telephone number from the wireless device ([0024], “playing interactive game with a remote party...” device to the destination telephone; and recording a connection time for a duration of the wireless device being connected to the destination telephone ([0035]).

Regarding **claim 3**, Wells further teaches the step of adjusting the available resource information according to the use of the application comprises the step of subtracting the connection time from the available resource information (column 11 lines 4-14).

Regarding **claim 4**, Wells further teaches that the application is a game application including the steps of receiving a connection request to a selected game from the wireless device, connecting the wireless device to the selected game and recording a connection time for a duration of the wireless device being connected to the selected game (column 2 line 54 to column 7 line 20).

Regarding **claim 5**, the combination of Yu and Wells discloses the invention but does not explicitly disclose the steps of subtracting the connection time from the available resource information. However, since Wells already disclose the available credit remaining in user's account (column 8 line 47 to column 9 line 24), it would have been obvious and well within the level of a person of ordinary skill in the art to subtract the connection time from the available resource information in order to allow the user to

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use only the credit that he has purchased and may be request the user to purchase more credit (increase in revenue).

Regarding **claim 14**, Yu discloses a method for tracking use of an application on a wireless device (abstract, see figures 1-4 and descriptions), capable of communicating with a server through a wireless communication network (figure 1, see description), comprising the steps of:

receiving a subscription plan information for the application (figure 3); in response to the subscription plan information received, establishing a subscription plan for a user (figure 3), wherein the subscription plan includes an available resource information (figure 4); receiving a request for activating the application (figure 4); in response to the request for activation, activating the application (inherent); in response to activating the application, adjusting the available resource information to reflect the activation of the application (figure 4); and displaying the available resource information to the user (inherent).

However, Yu does not explicitly disclose the step of adjusting the available resource information before displaying the available resource information to the wireless device.

In an analogous art, Wells teaches a wireless game player system (abstract, figures 4-5). Wells further teaches the step of adjusting the available resource information before transmitting the available resource information to the wireless device (columns 9-11, specifically line 4-14 of column 11).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to incorporate the steps of adjusting the available resources before transmitting to the user, as taught by Wells, to the system of Yu in order to inform user of the available credit (time left) before using the application in order to have an informed decision before using the application (control one's money by not spend more than the available credit that the user initially set aside).

Regarding **claim 15**, Yu further teaches the step of receiving a subscription plan information comprises the steps of: connecting to the server; and receiving the subscription plan information from the server ([0027] – [0034]).

Regarding **claim 16**, Yu further teaches the step of receiving a subscription plan information comprises the step of receiving the subscription plan information from the user (figure 3 and description).

Regarding **claim 17**, Yu further teaches that the application is a wireless communication application and the step of receiving a request for activating the application comprises the step of receiving a destination telephone number ([0024],” such as when playing an interactive game with other user”).

Regarding **claim 18**, Yu further teaches the steps of: connecting the wireless device to the server; and requesting the wireless device to be connected to a device associated with the destination telephone number (inherent when playing an interactive game with other user, see [0024]).

Regarding **claim 19**, Yu further teaches the step of adjusting the available resource information to reflect the activation of the application comprises the steps of:

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recording a connection time for a duration of the wireless device being connected to the device associated with the destination telephone number; and subtracting the connection time from the available resource information ([0045]).

Regarding **claims 20-22, 35-36** these claims substantially contain the same limitations as in claims 4-5 and are interpreted and rejected for the same reasons as given in the rejection of claims 4-5.

Regarding **claims 6 and 23**, Wells further teaches the steps of: receiving a first setting for a first threshold; comparing the available resource information against the first setting; and if the available resource information is less than or equal to the first setting, providing a notification to the user (column 9 line 25 to column 11 line 15).

Regarding **claims 7 and 24**, Yu further teaches that the first setting is a time period ([0004], [0045]).

Regarding **claims 8 and 25**, Wells further teaches that the first setting is a money amount (column 9 line 25 to column 11 line 15).

Regarding **claims 9, 26, 37 and 40**, Wells further teaches the steps of: receiving a second setting for a second threshold; comparing the connection time against the second setting; and if the connection time is greater than or equal to the second setting, providing a notification to the user (column 10 lines 37-49).

Regarding **claims 10, 27, 38 and 41**, Wells further teaches that the second setting is a time period (column 10 lines 37-49).

Regarding **claims 11, 28, 39 and 42**, Wells further teaches that the second setting is a money amount (column 9 line 25 to column 11 line 15).

Regarding **claim 12**, the combination of Yu and Wells discloses the invention but does not disclose the steps of: comparing a current date with a predetermined date; and if the current data matches the predetermined date, resetting the available resource information to a default value. However, resetting a data to the default value is well known and widely use and the Examiner takes Official Notice of such use. The motivation for resetting a data value to the default value is for the benefit of the service provider, by resetting data to a default value, the service provider does not have to honor the credit once it is expired.

Regarding **claims 13, 30, and 44**, the combination of Yu and Wells discloses the invention but does not disclose the steps of comparing a current date with a predetermined date; and if the current data matches the predetermined date, archiving the usage information. However, archiving a usage information is well known and widely use and the Examiner takes Official Notice of such use. The motivation for archiving the usage information is for record keeping once the data are not likely to be changed.

Regarding **claim 32**, this claim merely reflect the computer program necessary for performing the method steps of claim 14 and is therefore rejected for the same reasons.

3. **Claims 29, 33-34, 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu in view of Wells and in further view of Jiddou ("Jiddou"; U.S. Patent Application Publication Number 2004/0266392 A 1).

Regarding **claims 29 and 43**, the combination of Yu and Wells discloses the invention but does not disclose the steps of: comparing a current date with a

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predetermined date; and if the current data matches the predetermined date, resetting the available resource information to a default value.

In an analogous art, Kim teaches the method for automatic calling unit replenishment of calling units for a wireless communications device (abstract). Jiddou further teaches the steps of: comparing a current date with a predetermined date; and if the current data matches the predetermined date, resetting the available resource information to a default value (figure 2, blocks 225, 230, 235, please see description on page 3).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to incorporate the steps of adjusting the available resources to a default value, as taught by Jiddou, to the system of Yu and Wells in order to give to the user the full credit / access to the resource each and every month that the user subscribed (has a commitment /contract) with the service provider.

Regarding **claim 33**, Jiddou further teaches that the application is a wireless communication application (see figure 1 and description) and the step of receiving a request for use of an application from the user further comprises the steps of: receiving a connection request to a destination telephone number from the user (figure 1); connecting a computing device to the destination telephone number (figure 1); and recording a connection time for a duration of the computing device being connected to the destination telephone number (figure 2).

Regarding **claim 34**, Jiddou further teaches the step of adjusting the available resource information according to the use of the application further comprises the step

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of subtracting the connection time from the available resource information (figure 2, block 220).

CONCLUSION

Applicant's amendment **filed 11/07/05** necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 571-272-7927. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4/5/06


SONNY TRINH
PRIMARY EXAMINER